

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frank Martinez et al.  
Serial No.: 10/635,053  
Filed: August 6, 2003  
Group No.: 2169  
Examiner: Hung Q. Pham  
Notice of Allowance Mailed: February 3, 2009  
Confirmation No.: 1344  
Title: VIRTUAL MESSAGE PERSISTENCE SERVICE

**Mail Stop Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE TO REASONS FOR ALLOWANCE**

Applicants appreciate the Examiner's allowance of Claims 33 and 35-43. Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants



Mark J. Spolyar  
Registration No. 42,164

Date: May 4, 2009  
**CUSTOMER NO. 05073**